

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Darrell A. Poirier

Application No. 09/676,328

Filed: 29 September 2000

For: SYSTEM FOR TRANSFERRING
PERSONALIZED MATTER
FROM ONE COMPUTER TO
ANOTHER

Art Unit: 1645

Examiner: CHAWAN

Atty Docket: 006-110-300

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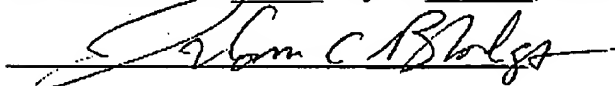
Assistant Commissioner for Patents
Washington, D.C. 20231REQUEST FOR RECONSIDERATION OF HOLDING OF
NON-PROPER REPLY TO OFFICE ACTION OF 23 JANUARY 2003

Sir:

In reply to the Patent Office letter mailed 26 February 2004 in this case, it is confirmed that the application was (expressly) abandoned on 23 January 2004. However, a properly reply, constituting a new, separately filed continuing application was filed under 37 C.F.R. 1.53(b) on the same day. In accordance with the Commissioner's Notice of May 13, 1983 and long standing practice, it is believed that a new continuing application under Rule

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Thomas C. Blodgett

Date: 12 March 2004

Darrell A. Poirier
09/676,328

53(b) was proper reply to the outstanding Office action in lieu of a response under 37 C.F.R. 1.111 (1031 TMOG 6-7). The Examiner is respectfully requested to reconsider and acknowledge the propriety of the reply.

An excerpt from the Notice appears below, which is believed to accurately reflect Office policy.

(Beginning of excerpt)"This notice is intended to clarify the requirements for a response as required by 37 C.F.R. 1.136 and 1.137 in situations involving a petition for extension of time or a petition to revive an abandoned application for the purpose of filing a continuing application.

"In those instances where an extension of time or a revival of an abandoned application is sought solely for the purpose of filing a continuing application under 35 U.S.C. 120 and where the prior application is to be abandoned in favor of the continuing application, the filing of a response is required by 37 C.F.R. 1.111, 1.113, 1.192 or other regulations is considered to be an unnecessary expenditure of resources by the applicant. Accordingly, in these situations, the Patent and Trademark Office will accept the filing of a continuing application as a response under 37 C.F.R. 1.136 or 1.137.

"To facilitate processing by the Office, any such petition for extension of time or petition to revive should specifically refer to the filing of a continuing application and also include an express abandonment of the prior application conditioned upon the granting of the petition and the granting of a filing date to the continuing application." (end of excerpt)

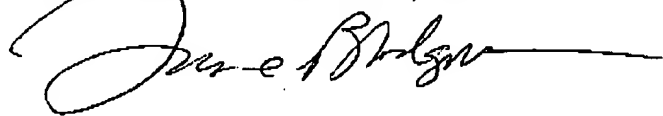
Darrell A. Poirier
09/676,328

If this policy has recently changed, applicant's representatives respectfully request further information in order to properly and promptly take any required further action.

Should any fees other than those specifically provided for be necessary to respond to this request, the Commissioner is hereby authorized to charge such fees to our deposit account number 02-2838. However, we reserve the right to contest such necessity and would prefer to be informed in advance of an intention to charge the account.

In the event that the Examiner wishes to discuss this matter further, the Examiner is invited to contact Attorney/Agent of Record Gerry A. Blodgett or Thomas C. Blodgett, Worcester, Massachusetts office at (508) 753-5533 for a telephone interview.

Respectfully submitted,
BLODGETT & BLODGETT, P.C.



Thomas C. Blodgett
Agent for Applicant
Registration No. 30,933

Date: 12 MAY 2004

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Pages 4 (four) (including this cover sheet)

To/Attn: Assistant Commissioner for Patents
USPTO Central Facsimile Location
for Examiner CHAWAN
Art Unit: 1645

From: Thomas C. Blodgett
BLODGETT & BLODGETT, P.C.

Re: U.S. Patent Application Serial No. 09/676,328 Filed: 29 September
2000

Inventor: Darrell A. Poirier
Title: SYSTEM FOR TRANSFERRING PERSONALIZED MATTER FROM
ONE COMPUTER TO ANOTHER

Our Ref: 006-110-300

Message: Enclosed for filing at the U.S. Patent and Trademark Office:

1. Request for Reconsideration of Holding of Non-Proper Reply to Office Action
of 23 July 2003

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Patent and
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Thomas C. Blodgett12 MARCH 2004
Date

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